

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MATTHEW TIMOTHY NORRIS,	:	4:CV-08-0458
	:	
Petitioner	:	(Judge McClure)
	:	
v.	:	(Magistrate Judge Mannion)
	:	
RAYMOND LAWLER and	:	
PA ATTORNEY GENERAL,	:	
	:	
Respondents	:	

M E M O R A N D U M

December 28, 2009

BACKGROUND:

On May 12, 2001 in the Court of Common Pleas of Cumberland County, Pennsylvania, after trial by jury, the petitioner was found guilty of first degree murder and other crimes. Because the jury became deadlocked at the subsequent penalty phase, the trial court declared a mistrial and imposed the mandatory sentence of life imprisonment on the first degree murder conviction. On June 20, 2001, the trial court re-imposed the life sentence and also directed the petitioner to serve concurrent aggregate terms of 10-20 years imprisonment on the remaining counts.

The trial court denied petitioner's motions for post trial relief and petitioner's direct appeal to the Superior Court of Pennsylvania resulted in an

affirmance of his sentence. His petition for allowance of appeal was denied by the Pennsylvania Supreme Court.

Subsequently, the petitioner filed a petition under the Post-Conviction Relief Act (PCRA), which was denied by the trial court. An appeal to the Superior Court resulted in an affirmance of the denial of the PCRA petition and a petition for allowance of appeal was denied by the Pennsylvania Supreme Court.

Petitioner, who is currently incarcerated at FCI - Dallas, Dallas, Pennsylvania, then filed the instant pro se habeas corpus petition, pursuant to 28 U.S.C. § 2254.

The petition was initially referred to United States Magistrate Judge Malachy E. Mannion, who issued his report and recommendation on October 26, 2009. The magistrate judge recommended that the court deny the petition in its entirety.

Petitioner subsequently filed timely objections and the government then filed a response to the objections.

In his report and recommendation, Magistrate Judge Mannion found that all of petitioner's arguments lacked merit. First he found that petitioner's claim regarding the admissibility of expert testimony must be denied because petitioner did not present a federal claim. The magistrate judge then reviewed petitioner's four separate claims of ineffective assistance of counsel and found that each of

them likewise lacked merit.

The court adopts the findings and reasoning of the magistrate judge, and will deny the petition.

s/James F. McClure, Jr.
JAMES F. McCLURE, JR.
United States District Judge

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O R D E R

December 28, 2009

For the reasons set forth in the accompanying Memorandum,

IT IS ORDERED THAT:

1. The report and recommendation of United States Magistrate Judge Malachy E. Mannion (Rec. Doc. No. 21, filed October 26, 2009) is adopted in full for the reasons therein set forth.
2. The petition of Matthew Timothy Norris for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied.

3. The clerk is directed to close the case file.
4. There is no basis for the issuance of a certificate of appealability.

s/James F. McClure, Jr.
JAMES F. McCLURE, JR.
United States District Judge